IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 1102 of 2007
Date of Decision. March 22,2007.

Paramjit Singh .....Petitioner

Versus

Birpal Kaur etc. ..Respondents

PRESENT Mr. Arvind Singh, Advocate
for the petitioner.
Mr. Vikas Behl, Advocate
for respondent no.1.

CORAM HON'BLE MR. JUSTICE VINEY MITTAL

VINEY MITTAL, J (oral)

Plaintiff is the petitioner before this Court.

He is aggrieved against the order dated October 28, 2006 passed by the trial Court whereby a counter claim filed by defendant no.3 (present respondent no.1) has been entertained and the objection raised by the plaintiff has been rejected.

Learned counsel for the petitioner has argued that since in the counter claim filed by defendant no.3, a claim has also been introduced against one Sarwan Singh, therefore, the aforesaid counter claim was not maintainable. Learned counsel, however, states that the counter claim filed by the defendant no.3 Bir Pal Kaur could be treated as a separate suit and the plaintiff would have no objection if the proceedings in the said suit are ordered to be clubbed with the present suit filed by the plaintiff.

Sh. Vikas Behl, learned counsel appearing for defendant no.3 has no objection to the aforesaid course being adopted. However, Sh. Behl states that since defendant no.3 has filed a counter claim within

the period of limitation, therefore, the aforesaid counter claim be treated as a separate suit and the date of aforesaid counter claim be treated as the date of the institution of the aforesaid suit.

In view of the aforesaid agreement between the learned counsel for the parties, the present petition is disposed of.

It is directed that the counter claim filed by Bir Pal Kaur, defendant no.3 shall be registered as a separate suit and the proceedings in the aforesaid suit shall be clubbed together with the present suit filed by the present plaintiff / petitioner.

The present petition is disposed of accordingly.

A copy of the order be given dasti on usual charges.

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March 22, 2007 **(VINEY MITTAL)**
mamta **JUDGE**